

FLETCHER C. ALFORD (SBN: 152314)  
falford@grsm.com  
EDWARD ROMERO (SBN: 148495)  
eromero@grsm.com  
GORDON REES SCULLY MANSUKHANI, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111  
Telephone: (415) 986-5900  
Facsimile: (415) 986-8054

Attorneys for Defendant  
ALAMEDA HEALTH SYSTEM

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAS SOMAN, on behalf of herself, all others  
similarly situated,

Plaintiff,

v.

ALAMEDA HEALTH SYSTEM, a public hospital  
authority, and DOES 1 through 100, inclusive,

Defendants.

) CASE NO.

)  
) Alameda County Superior Court Case  
) No. RG 17872089

)  
) **NOTICE OF REMOVAL OF**  
) **CIVIL ACTION TO FEDERAL**  
) **COURT BY DEFENDANT UNDER**  
) **28 U.S.C. SECTIONS 1331, 1367,**  
) **1441(a) AND 1446(b)**

) *[FEDERAL QUESTION AND*  
) *SUPPLEMENTAL JURISDICTION]*  
)  
)  
)

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA:**

**PLEASE TAKE NOTICE** that defendant Alameda Health System, a public hospital authority (“Alameda Health System”) removes this action from the Superior Court of the State of California for the County of Alameda to the San Francisco/Oakland Division of the United States District Court for the Northern District of California. Removal is made pursuant to 28 U.S.C. sections 1331, 1367, 1441(a) and 1446 (b) on the following grounds:

**I. STATEMENT OF JURISDICTION**

This matter is a civil action for which this Court has federal question jurisdiction under 28 U.S.C. section 1331 and is an action that may be removed to this Court pursuant to 28 U.S.C. sections 1441(a) and 1446(b) in that it is a civil action arising under federal law. Supplemental jurisdiction over California state claims is conferred by 28 U.S.C. section 1367.

**II. GROUNDS FOR REMOVAL**

This action arises from the alleged violation of various provisions of the Fair Credit Reporting Act, 15 U.S.C. section 1681 *et seq.* (the “FCRA”) which confers federal district courts with jurisdiction to hear actions arising under the statute. *See* 15 U.S.C. section 1681p (“an action to enforce liability created under [the FCRA] may be brought in any appropriate United States district court without regard to the amount in controversy . . .”).

In her putative class action complaint (the “Complaint”), plaintiff Jas Soman (“Plaintiff”) alleges that she was employed by the Alameda Health System as an hourly non-exempt employee from approximately January 3, 2017 to June 13, 2017. Complaint, ¶4. Plaintiff further alleges that when she applied for employment, Alameda Health System required her to fill out a disclosure and authorization form to perform a background investigation on plaintiff. *Id.*, ¶18. The disclosure provided by Alameda Health System is alleged to contain extraneous and superfluous language that does not consist solely of the disclosure required by the FCRA and California law. *Id.*, ¶19. In addition to claims under the FCRA, Plaintiff asserts state law claims for violation of the Investigative Consumer Reporting Agencies Act, Cal. Civ. Code section 1786 *et seq.*; the Consumer Credit Reporting Act, Cal. Civ. Code section 1785 *et seq.* and the Unfair Competition Law, Cal. Bus. & Prof. Code section 17200 *et seq.*

**III. VENUE**

Venue in the San Francisco/Oakland Division of the United States District Court for the Northern District of California is proper because Plaintiff Jas Soman, filed her complaint in the Superior Court of the State of California for the County of Alameda which is within the San Francisco/Oakland Division of this judicial district. 28 U.S.C. section 1446(a); Northern District Civil Local Rule 3-2.

#### IV. PLEADINGS AND PROCESS

Plaintiff filed an unverified putative class action complaint (the “Complaint”) on August 18, 2017 in the Alameda Superior Court captioned *Jas Soman on behalf of herself, all others similarly situated v. Alameda Health Systems, a public hospital authority, and Does 1 through 50, inclusive*, Case No. RG 17 872089 (the “State Action”). Other than Doe defendants, no other party is named as a defendant in the State Action.

On September 25, 2017 Plaintiff served Alameda Health Systems with the Complaint and the summons (the “Summons”). A true and correct copy of the Complaint and Summons served on Alameda Health Systems are attached, respectively, as Exhibits 1 and 2. The Proof of Service of Summons attesting to service of the Complaint and Summons on September 25, 2017 is attached as Exhibit 3.

The Complaint, Summons and Proof of Service of Summons constitute all of the pleadings in the State Action. *See* 28 U.S.C. section 1446(a).

Prior to removal, three notices of hearings were entered in the State Action. They are dated August 29, 2017, September 14, 2017 and September 25, 2017. True and correct copies of the Notice of Hearings are attached respectively as Exhibits 4, 5 and 6.

#### V. TIMELINESS OF REMOVAL AND CONSENT OF ALL DEFENDANTS

Pursuant to 28 U.S.C. Section 1446(b), this Notice of Removal is being filed within 30 days from the September 25, 2017, the date that Alameda Health System was served with the summons and complaint. *See* Exhibit 3 hereto.

Additionally, there are no other defendants named in State Action. Accordingly, all defendants named in this action consent to removal. Removal of this action to the United States District Court for the Northern District of California is therefore timely and proper.

#### VI. NOTICE TO PLAINTIFF AND FILING OF NOTICE OF REMOVAL IN THE STATE ACTION

Pursuant to 28 U.S.C. section 1446(d), Alameda Health System is providing prompt written notice of this removal to Plaintiff through her counsel of record in the State Action.

A copy of the Notice of Removal is also being filed in the State Action.

1 WHEREFORE, Alameda Health Service prays that the above-entitled action now  
2 pending against it in the California Superior Court for the County of Alameda be removed to the  
3 San Francisco/Oakland Division of the United States District Court for the Northern District of  
4 California.

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6  
7 Dated: October 24, 2017

GORDON REES SCULLY MANSUKHANI, LLP

8  
9 By: 

10 Fletcher C. Alford  
11 Edward Romero  
12 Attorneys for Defendant  
13 ALAMEDA HEALTH SYSTEM  
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Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

PROOF OF SERVICE*Jas Soman v. Alameda Health System, et al., USDC, Northern District of California Case No.*

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP, 275 Battery Street, Suite 2000, San Francisco, CA 94111. On mentioned date below, I served the within documents:

**NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT BY DEFENDANT  
UNDER 28 U.S.C. SECTIONS 1331, 1367, 1441(a) AND 1446(b);  
CIVIL COVER SHEET**

- ☒ by transmitting via electronic transmission the document(s) listed above to the e-mail address(es) set forth below on this date before 5:00 p.m.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Francisco, addressed as set forth below.
- ☒ by placing a true copy thereof enclosed in a sealed envelope, at a station designated for collection and processing of envelopes and packages for overnight delivery by FedEx as part of the ordinary business practices of Gordon & Rees LLP described below, addressed as follows:

**Attorneys for Plaintiff**

Shaun Setareh, Esq.  
Thomas Segal, Esq.  
Setareh Law Group  
9454 Wilshire Blvd., Ste. 907  
Beverly Hills, CA 90212  
Phone: (310) 888-7771  
Fax: (310) 888-0109  
Email: shaun@setarehlaw.com  
Email: Thomas@setarehlaw.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 24, 2017, at San Francisco, California.



Maria Deang